

Sent by email to: openjusticepolicy@justice.gov.uk

15 September 2023

Dear Sir / Madam,

Call for Evidence: Open Justice, the way forward

Thank you for the opportunity to provide evidence to the Ministry of Justice's call for evidence into Open Justice. We have restricted our comments to the questions around Public Legal Education.

Summary

1. We welcome the Government's commitment to open justice.
2. The Government should support a programme of education to raise awareness and understanding of access to justice and redress.
3. The current narrow focus on public *legal* education should be broadened to encompass people's rights and access to justice, covering not just the courts and tribunals, but also ombudsman schemes and regulators.

Background

4. The Ombudsman Association (OA) is the professional association for ombudsman schemes and complaint handling bodies in the UK, Ireland, the British Crown Dependencies, and the British Overseas Territories.
5. The OA's membership criteria¹, including those relating to independence, are recognised both in the UK and internationally as representing best practice. This is reflected in the Cabinet Office's *Guidance for government departments on setting up Ombudsman schemes*,² which addresses the point of when it is appropriate to use the title 'ombudsman', and in the criteria used by Companies House on when a company can use the protected term 'ombudsman'.³
6. An Ombudsman helps to underpin public confidence in the organisations that they cover; by providing free, accessible and effective redress, and by feeding back the lessons from their work in order to help improve service delivery and complaints management for the future. An ombudsman is an agent of change, more a doctor than a police officer, diagnosing what is wrong and making recommendations to improve.

¹ www.ombudsmanassociation.org/about-us/join-ombudsman-association

² www.gov.uk/government/publications/new-ombudsman-schemes-guidance

³ www.gov.uk/government/publications/incorporation-and-names/annex-a-sensitive-words-and-expressions-or-words-that-could-imply-a-connection-with-government

7. The Vision of the OA is that throughout the public and private sectors:
- It is straightforward and simple for people to complain.
 - People making a complaint are listened to and treated fairly.
 - A complaint is dealt with quickly, fairly and effectively at the earliest stage by suitably trained staff.
 - People have access to an ombudsman in all areas of consumer and public services.
 - The learning from a complaint is used to improve services.

Public legal education

8. Peoples' rights have never mattered more, and the changing economy, regulation post-Brexit, and cost of living crisis has brought citizens and consumers rights into sharp focus. And yet, many have a rudimentary understanding of the issues around access to justice and redress. That is reflective of the lack of awareness and understanding in wider society, which starts at school and flows from there.
9. Whilst there are 22 ombudsman schemes in the UK (with varying coverage across the four nations), that is seen as both too many, and not enough. The haphazard way in which ombudsman schemes and other redress bodies have been created, resulting both in multiple bodies where there could be one unified service, and huge gaps in redress and access to justice, alongside Court reforms, has caused confusion for the public on how to access justice.
10. Yet stronger and more consistent access to justice will not have the impact it should without greater awareness amongst the public of their rights. From Windrush to Grenfell to those living in mould infested homes, the victims of injustice have struggled to have their voice heard until a scandal, tragedy, or major failing occurs, and barriers to access and awareness of redress means the public are not able to exercise their rights as easily as they should be able to. When people do come forward the clear gaps in knowledge often result in ineffective use of the wider justice system, as often seen in litigants in person before the Courts and Tribunals.
11. Despite the direction of travel in the Court Reforms to signpost people with disputes to more appropriate places than the Court room, which would suggest increased support for educating the public not to think of the Court system as the first, only, or inevitable option, education on people's rights is still too often seen through the narrow lens of Public Legal education, with a focus on mock trials and Court visits (as this consultation itself does⁴).
12. The goal of promoting better awareness of people's rights and the routes to access / enforce them, and how best to do so, is a current thread throughout public policy across the UK, but it is not being approached in a co-ordinated way. There is clearly an appetite from the public, as seen in the popularity of Christian Weaver's 'The Law in 60 seconds' YouTube videos⁵, or the current Project Fortitude⁶, led by Professor Dawn Watkins at the University of Sheffield, which seeks to strengthen children and young people's 'legal capability' through game-based resources. But this has to compete with 'traditional' public legal education funded by the legal profession that focuses heavily on the courts system.

⁴ [Call for Evidence document: Open Justice, the way forward - GOV.UK \(www.gov.uk\)](#)

⁵ [Christian Weaver - YouTube](#)

⁶ [School of Law \(sheffield.ac.uk\)](#)

13. It is vital for Government to use its convening power to bring together experts to develop a grassroots, long-term approach to public education on people's rights and access to justice, covering not just the courts and tribunals, but also ombudsman schemes and regulators. Crucially this would help re-build trust at a critical time when policy makers are seeking to transform service delivery and infrastructure in several areas.
14. This should help shape a curriculum that educates people at the start of their lives about their rights and the role the wider justice system can play in their own and their families lives when needed, as well as develop resources, such as the BBC Bitesize and social media material, that are then accessible at all levels of society from school and beyond about how to access the justice system and the right level to do so depending on the issue.

We would be happy to support work in this space if that would be helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Donal Galligan', written in a cursive style.

Donal Galligan
Chief Executive